

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-846X

ILLINOIS INDIANA DEVELOPMENT COMPANY, LLC—ABANDONMENT EXEMPTION—  
IN LAPORTE COUNTY, IN

Decided: March 27, 2003

Illinois Indiana Development Company, LLC (IIDC) and Chicago Southshore & South Bend Railroad (CSS) filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments for IIDC to abandon and CSS to discontinue service over an approximately 0.6-mile line of railroad from approximately milepost 157.9, near Dickson Street in Michigan City, northwest across Trail Creek to approximately milepost 158.5, near U.S. Highway 12, in LaPorte, IN. Notice of the exemptions was served and published in the Federal Register on February 28, 2003 (68 FR 9738).<sup>1</sup> The exemptions are scheduled to become effective on March 30, 2003.

The Board's Section of Environmental Analysis (SEA) served an environmental assessment (EA) in this proceeding on March 7, 2003. In the EA, SEA stated that the U.S. Fish and Wildlife Service (USFWS), in the Bloomington Field Office and the Indiana Department of Natural Resources - Division of Water - Environmental Unit (IDNR) recommended that applicants implement several specific measures in order to avoid or minimize impacts to wildlife and habitat in the project area. These measures include: (1) minimizing tree clearing and avoiding wetland disturbance when accessing any remote sections of the right-of-way for abandonment activities; (2) avoiding the discharge of demolition debris, waste materials, or other pollutants into streams, riparian areas, or wetlands; (3) implementing appropriate erosion and sediment control measures, if earth moving is required, to contain disturbed soils and prevent runoff from entering waterways or wetlands and revegetating bare and disturbed areas with a mixture of grasses and legumes; and (4) avoiding work in Trail Creek during the primary fish spawning season, which begins on April 1 and ends on June 15, if bridge removal is proposed. Therefore, SEA recommends that prior to the commencement of salvage activities, IIDC be required to consult with USFWS and IDNR to address possible impacts to wildlife and habitat and to implement mitigation measures, if necessary.

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<sup>1</sup> While the notice embraced the proposed discontinuance in STB Docket No. 344 (Sub-No. 2X), Chicago Southshore & South Bend Railroad—Discontinuance of Service Exemption—in LaPorte County, IN, the environmental conditions discussed in this decision are imposed on the proposed abandonment.

Comments to the EA were due by March 21, 2003. No comments were received. Accordingly, the conditions recommended by SEA will be imposed.

As conditioned, this decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the exemption of the abandonment of the line described above is subject to the condition that IIDC shall, prior to salvage activities, consult with USFWS and IDNR to evaluate potential impacts to wildlife and habitat and the possible need to implement mitigation measures. The results of these consultations shall be reported to the Board.
3. This decision is effective on its service date.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.

Vernon A. Williams  
Secretary